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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,992	03/21/2002	Rodolfo Mann Pelz	10191/1969	8032
26646	7590	07/22/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			WEST, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2857	
DATE MAILED: 07/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/913,992

Applicant(s)

PELZ ET AL.

Examiner

Jeffrey R. West

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☒ The drawing correction filed on 30 June 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO 1449) Paper No(s). _____
10. ☐ Other: _____

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Applicant first argues that "[i]n connection with the 'arrangement for maintaining,' the Examiner apparently relies on the Gray patent, col. 5, lines 44-62 and Figure 9 as disclosing this feature. Respectfully, this portion of the Gray patent does not appear to relate to 'maintaining' a component. Instead, this portion describes the sound system can be controlled via the GUI. Figure 9 also shows that various other components (heat/ac, lighting and navigation), can also be controlled via the GUI. There is nothing in the portions of the Gray patent upon which the Examiner relies that discloses maintaining components."

The Examiner maintains that as presented in the Final Office Action, Gray discloses "an arrangement for maintaining (i.e. maintaining operation at selected setting) the other components (column 5, lines 44-62 and Figure 9)." In the instant response, Applicant admits that Gray discloses using a GUI to control the operation of a sound system, heat/ac component, lighting component, and navigation component. The Examiner further asserts that the GUI is part of the vehicle control center (column 5, lines 33-42) and that through manipulation of the GUI, the various components are controlled and maintained at selected settings. In the example displayed the volume, treble, base, and channel selection are maintained as desired (column 5, lines 55-62). This section meets the "maintaining" feature as claimed.

Applicant then argues that "[i]n connection with Applicants' recited 'arrangement for performing an emergency function,' the Examiner apparently relies on col. 3, lines 52-54 of the Gray patent. Respectfully, this portion of the Gray patent describes that the vehicle control center 110 can be used to control various devices of the vehicle (e.g., air bag activation, etc.). It does not describe that the vehicle control center, itself, performs an emergency function."

The Examiner asserts that Gray discloses a "heating/air conditioning unit 250 can be controlled using the vehicle control center to set the appropriate environmental conditions within the passenger cabin. Other attached devices can be used in the network vehicle. These include radar, air bag activation and status, video cameras, emergency rescue, alarms, anti-theft system . . ." (column 3, lines 49-55). Since this section teaches that the control center controls the emergency rescue devices, it also meets the limitation for "an arrangement for performing an emergency function" as claimed.

Applicant also argues that "[t]he Buckley patent does not cure the deficiencies of the Gray patent. For example, as regards the 'arrangement for upgrading the other components [of the distributed network],' the Examiner relies on the Buckley patent at col. 10, lines 27-43. Respectfully, this portion of the Buckley patent appears to describe upgrading the firmware of the CIPN microcomputer via an external device (via an infrared link). This section does not describe a component of a distributed network having the ability to upgrade a number of independent components of the distributed network."

The Examiner first asserts that the Final Office Action indicated that the invention of Gray "discloses an arrangement including a communication element for loading new software interfaces for the plurality of components (column 4, line 65 to column 5, line 6 and column 6, lines 34-40 and 62-64)", specifically "a network address such as a uniform resource locator (URL) from which the appropriate manufacturer's interface may be downloaded. This permits the manufacturer to update a user interface on a dynamic basis and ensure that the most recent version of the manufacturer device interface is downloaded when a device is installed." Therefore the invention of Gray does teach updating/upgrading a user interface as well as providing up to date component interfaces for the other components of the distributed system when they are installed. The invention of Buckley is then included to teach upgrading components once they have been installed and incorrect software/operation has been detected. The combination of downloading the required interfaces for each of the other components by the service element, as taught by Gray, with the upgrading of components once they are installed and incorrect software/operation has been detected, as taught by Buckley, meets the invention as claimed.

Further, it would have been obvious to one having ordinary skill in the art to modify the invention of Gray to include an arrangement for upgrading the components, as taught by Buckley, because, as suggested by Buckley, the combination would have provided a method for insuring accurate operation by keeping the system current using the newest firmware and software to form a system that is adaptable, upgradeable, cost efficient, and open to a variety of software (column 2, lines 28-31 and column 10, lines 27-43).

Further still, Applicant admits that Buckley does teach "upgrading the firmware of the CIPN microcomputer". The Examiner asserts that Buckley also teaches that the CIPN microcomputer software is used to control the operation of the other components in the distributed system (see for example, column 3, line 54 to column 4, line 47 and column 8, lines 46-65). Therefore, since Buckley teaches upgrading the software of the CIPN which contains the commands for controlling the other components of the distributed system, Buckley does teach upgrading the other components of the distributed system as claimed.